

**REMARKS**

Claims 1-32 are pending in this application. In the October 6, 2003 office action, the Examiner rejected claims 1-32 as anticipated by Jeyaraman (U.S. Patent No. 6,311,187). Claims 1-3 have been cancelled without prejudice. Claims 4-32 are now pending. Applicants respectfully traverse the Examiner's rejections.

Jeyaraman discloses a system for propagating changes in hierarchically organized data to remotely cached copies of the data. The system determines differences between the current version of the data at the server and an older copy of the data at the client and uses the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data. The updates are then sent to the client where the update is applied to the copy of the data to produce an update copy of the data. Col. 2:1-17. Jeyaraman addresses the lack in the art of mechanisms for communicating operations on nodes to update copies of the data that may be on a client. Col. 1:59-67.

Jeyaraman does not address how transmission of changes to data is affected by the unavailability of the receiver of the data. With respect to pending independent claims 4, 11, 13, 20, 21 and 31, Jeyaraman does not teach basing the timing of the transmission of changes to data on the operating state information of the receiver. In rejecting claim 4, the Examiner asserted that "the predetermined time period is variably designated corresponding to the operating state information of the receiving side [120, Fig. 1; col. 7, lines 19-24]." Pg. 4, ¶6. The passage cited by the reference however states that:

The above process is periodically repeated by the system in order to keep copies of the data on clients 206, 208, 210 and 212 at least partially consistent with the data on server 204. This updating process may repeated at any time interval from, for example, several seconds to many days. (sic)

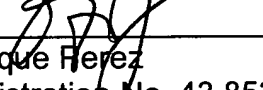
Col. 7: 19-24. This passage however, makes no reference to designating the timing of the transmission on the operating state information of the receiving side. It only refers to sending changes periodically.

Accordingly, Jeyeraman does not anticipate independent claims 4, 11, 13, 20, 21 and 31. Claims 5-10, 12, 14-19, 22-30 and 32 are dependent on claims 4, 11, 13, 20, 21 and 31. Therefore, Claims 5-10, 12, 14-19, 22-30 and 32 are also not anticipated by Jeyeraman.

Applicants respectfully submit that claims 4-32 are in condition for allowance.  
Favorable reconsideration is respectfully requested.

Respectfully submitted,

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